

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

ALICE R. BOYD

PLAINTIFF

NO. 1:20-CV-00159-JMV

**KILOLO KIJAKAZI,¹ ACTING COMMISSIONER
OF THE SOCIAL SECURITY ADMINISTRATION**

DEFENDANT

ORDER ON PETITION FOR ATTORNEY FEES

Before the Court are Plaintiff's motion [27] for attorney fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d), and Defendant's response [28].

In these proceedings Plaintiff sought judicial review of the Social Security Commissioner's final decision denying a claim for benefits. By Final Judgment [26] dated September 2, 2021, this Court remanded this case to the Social Security Administration for further proceedings. Plaintiff now seeks attorney fees in the amount of \$7,281.98 for 35.71 hours of attorney time before this Court on the grounds that Plaintiff was the prevailing party and the Commissioner's position was not substantially justified. The Commissioner does not oppose the requested award but insists the award be made payable directly to Plaintiff pursuant to *Astrue v. Ratliff*, 130 S. Ct. 2521, 2522 (2010). The Court, having thoroughly considered the matter, finds the requested award is reasonable, and no special circumstance would make the award unjust. Further, the award should be made payable to Plaintiff and mailed in the care of Plaintiff's counsel, consistent with the Commissioner's general procedure.

THEREFORE, IT IS ORDERED:

¹ The Clerk is directed to amend the record to reflect the substitution of the Acting Commissioner as the defendant herein.

That the Commissioner shall promptly pay Plaintiff \$7,281.98 in attorney fees for the benefit of counsel for Plaintiff.

This 3rd day of November, 2021.

/s/ Jane M. Virden
U.S. MAGISTRATE JUDGE